

Notice of Allowability

Application No.

10/645,635

Examiner

Andrea M. Valenti

Applicant(s)

RUCKER ET AL

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05 October 2006.
2. ☒ The allowed claim(s) is/are 27-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Andrea M. Valenti
Primary Examiner
Art Unit 3643

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mitchell Wasson on 19 December 2006.

The application has been amended as follows:

Claims 21-26 are cancelled

Claim 27, line 6, "signaling, through use of said input device, the" was changed to --signaling to the microprocessor through use of said input device, said--

Claim 27, line 10, "within microprocessor," was changed to --within the microprocessor,--

Claim 27, line 13, "spaced so that when said predetermined" was changed to --spaced, said predetermined--

Claim 27, line 17, "not all of said respective equal intervals; and" was changed to --not all of said respective equal intervals, to maintains a pet's interest over said predetermined time period; and--

Allowable Subject Matter

Claims 27-32 are allowed.

The following is an examiner's statement of reasons for allowance:

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Cited references United Kingdom Patent GB 2214392A; U.S. Patent No. 5,299,529; U.S. Patent No. 6,273,027; U.S. Patent No. 5,230,300; U.S. Patent No. 6,367,417; U.S. Patent No. 6,349,671; U.S. Patent No. 6,092,299; U.S. Patent No. 5,588,394; U.S. Patent No. 6,694,916; U.S. Patent No. 6,125,082; U.S. Patent No. 6,584,938 teach animal treat and food dispensing devices that contain microprocessors that are programmed to dispense items at random/variable times over the course of a predetermined time period and that operate in manual or automatic modes.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination a method of signaling a microprocessor through an input device to have a program calculate a dispensing schedule where the program determines in a pseudo-random manner a predetermined plurality of dispensing times, the predetermined time period being divided into equal intervals, where the number of the equal intervals is equal to the predetermine plurality of dispensing times, and wherein a pet treat will be dispensed in a majority of, but not all of the equal intervals to maintains a pet's interest over said predetermined time period.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea M. Valenti
Primary Examiner
Art Unit 3643

19 December 2006